

Calendar No. 852

110TH CONGRESS
2D SESSION**H. R. 5690**

IN THE SENATE OF THE UNITED STATES

MAY 12, 2008

Received; read twice and referred to the Committee on the Judiciary

JUNE 26, 2008

Reported by Mr. LEAHY, with an amendment

[Omit the part struck through and insert the part printed in *italic*]**AN ACT**

To remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXEMPTION OF AFRICAN NATIONAL CONGRESS**
4 **FROM TREATMENT AS TERRORIST ORGANI-**
5 **ZATION FOR CERTAIN ACTS OR EVENTS.**

6 Section 691(b) of the Department of State, Foreign
7 Operations, and Related Programs Appropriations Act,

1 2008 (division J of Public Law 110–161; 121 Stat. 2365)
 2 is amended by inserting “the African National Congress
 3 (ANC),” after “the Karenni National Progressive Party,”.

4 **SEC. 2. RELIEF FOR CERTAIN MEMBERS OF THE AFRICAN**
 5 **NATIONAL CONGRESS REGARDING ADMISSI-**
 6 **BILITY.**

7 (a) ~~EXEMPTION AUTHORITY.—The Secretary of~~
 8 ~~State, after consultation with the Attorney General and~~
 9 ~~the Secretary of Homeland Security, or the Secretary of~~
 10 ~~Homeland Security, after consultation with the Secretary~~
 11 ~~of State and the Attorney General, may determine in such~~
 12 ~~Secretary’s sole unreviewable discretion that paragraphs~~
 13 ~~(2)(A), (2)(B), and (3)(B) of section 212(a) of the Immi-~~
 14 ~~gration and Nationality Act (8 U.S.C. 1182(a)) shall not~~
 15 ~~apply to an alien with respect to activities undertaken in~~
 16 ~~opposition to apartheid rule in South Africa.~~

17 (a) *EXEMPTION AUTHORITY.—The Secretary of State,*
 18 *after consultation with the Attorney General and the Sec-*
 19 *retary of Homeland Security, or the Secretary of Homeland*
 20 *Security, after consultation with the Secretary of State and*
 21 *the Attorney General, may determine, in such Secretary’s*
 22 *sole and unreviewable discretion, that paragraphs*
 23 *(2)(A)(i)(I), (2)(B), and (3)(B) (other than clause (i)(II))*
 24 *of section 212(a) of the Immigration and Nationality Act*
 25 *(8 U.S.C. 1182(a)) shall not apply to an alien with respect*

1 *to activities undertaken in association with the African Na-*
2 *tional Congress in opposition to apartheid rule in South*
3 *Africa.*

4 (b) SENSE OF CONGRESS.—It is the sense of the
5 Congress that the Secretary of State and the Secretary
6 of Homeland Security should immediately exercise in ap-
7 propriate instances the authority in subsection (a) to ex-
8 empt the anti-apartheid activities of aliens who are current
9 or former officials of the Government of the Republic of
10 South Africa.

11 **SEC. 3. REMOVAL OF CERTAIN AFFECTED INDIVIDUALS**
12 **FROM CERTAIN UNITED STATES GOVERN-**
13 **MENT DATABASES.**

14 The Secretary of State, in coordination with the At-
15 torney General, the Secretary of Homeland Security, the
16 Director of the Federal Bureau of Investigation, and the
17 Director of National Intelligence, shall take all necessary
18 steps to ensure that databases used to determine admissi-
19 bility to the United States are updated so that they are
20 consistent with the exemptions provided under section 2.

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